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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,805	07/18/2003	Jerald C. Seelig	619.745	3476

21707 7590 05/19/2006

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EXAMINER
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NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/622,805

Applicant(s)

SEELIG ET AL.

Examiner

Kim T. Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Examiner acknowledges receipt of the amendment on 2/27/06. According to the amendment, claims 1-42 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher et al (U.S. patent No. 5,788,573) in view of Kelly et al (U.S. patent No. 6,015,344).**

Claims 1 and 19: Baerlocher discloses a gaming device comprising discloses a gaming device comprising a game apparatus that allows a player to place a wager and produces a bonus activating event (col. 3, lines 24-30; and col. 5, lines 30-36); a bonus prize display 404 (Fig. 4) including a plurality of bonus prize displays 412a-412x (Fig. 5) (col. 6, lines 16-21) and indicators 406a, 406b, 406c (Fig. 4) (col. 8, lines 2-4); a controller in communication with the bonus display for detecting the bonus activating event (col. 3, lines 26-40; col. 5, lines 30-32 and 45-46; and col. 7, lines 49-50), detecting the position of the indicator (col. 7, lines 56-60), determining a bonus prize and awarding the bonus prize (col. 8, lines 18-24). a player input device that

allows the player to stop the moveable indicator (col. 7, lines 11-13). Baerlocher does not explicitly disclose an indicator that is movable and a player input device that allow the player to stop the movable indicator. However, Kelly discloses a movable indicator and a player input device for allowing the player to stop the movable indicator as claimed (col. 49, lines 1-9). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the movable indicator and the input device as taught by Kelly to the gaming device of Baerlocher in order to allow the player to control selecting a prize.

Claim 2: Since Baerlocher discloses a slot machine reel spin having random gaming outcomes (col. 4, lines 38-41), Baerlocher obviously encompasses including a random outcome controller.

Claims 3 and 8-9: Baerlocher discloses displaying prizes (col. 6, lines 15-21). Further, displaying selected bonus prize display including LED meter at a predetermined time such as after the moveable indicator is stopped would have been both well-known and obvious design choice depending on a game designer's preference.

Claims 4-7: Baerlocher discloses arranging the bonus prize displays non-linearly (Fig. 6). Further, arranging the bonus prize displays vertically, horizontally, or linearly would have been obvious design choice, since selecting a particular display and moving pattern according to a designer's preference requires only routine skill in the art.

Claims 10-11: since Baerlocher discloses allowing the player to spin the mechanical bonus indicator to a bonus indicating position (col. 7, lines 36-45),

Baerlocher obviously encompasses including a well known drive mechanism to the bonus indicator in order to facilitate spinning and stopping the mechanical bonus indicator at a bonus position.

Claims 12-13: Baerlocher discloses displaying the fixed bonus prize displays on a moveable member (Fig. 5; col. 6, lines 15-21).

Claims 14-16: since Baerlocher discloses when a trigger condition occurs, the mechanical bonus wheel game is activated, the wheel is spinned and stopped so that a bonus prize is displayed (col. 5, lines 30-36; and col. 7, lines 49-60), Baerlocher obviously encompasses including physical mechanical components such as step motor, actuator shaft, etc. in order to move the physical wheel mechanically.

Claim 17: Baerlocher discloses moving the wheel after the bonus trigger event occurs (col. 7, lines 49-50) and the position of the indicator has no effect on the determined bonus prize (e.g. the bonus prizes are fixed in the wheel) (col. 6, lines 16-21).

Claim 18: Baerlocher discloses a physical indicator (col. 6, lines 57-60).

Claims 20-21, 23-24 and 26-42: refer to discussion in claims 1, 3, 8-9, 12-13 and 17-19 above.

Claim 22: Baerlocher discloses randomly stopping the wheel for selecting an outcome (col. 6, lines 8-12).

Claim 25: Baerlocher discloses using changeable displays in the bonus game (col. 5, lines 45-47).

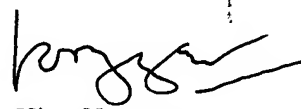
***Response to Arguments***

The cited reference, Baerlocher (U.S. patent No. 6,572,473), is withdrawn from applying as a prior art to the present application and the rejections under 35 USC 103(a) in the office action issued on 9/7/05 is withdrawn due to the filing of an affidavit 37 C.F.R. § 1.131. A new ground of rejection has been established in this office action, refer to the 35 USC § 103 rejections above.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Date: May 3, 2006



Kim Nguyen  
Primary Examiner  
Art Unit 3713